

1999 ASSEMBLY BILL 521

1 **AN ACT** *to renumber and amend* 146.50 (8) (b); *to amend* 48.685 (1) (ag) 2.,
2 48.981 (2), 50.065 (1) (ag) 2., 59.34 (2) (a), 59.34 (2) (b) 1., 59.35 (5), 66.11 (4),
3 108.05 (3) (a), 118.29 (1) (c), 146.37 (1) (a), 146.38 (1) (b), 146.50 (1) (d), 146.50
4 (1) (hm), 146.50 (2), 146.50 (8) (title), 146.50 (8) (a), 146.50 (8) (c), 146.50 (8) (d),
5 146.50 (8) (e), 146.50 (8) (f), 146.50 (11) (f), 146.50 (12) (a), 895.48 (1m) (intro.),
6 895.48 (1m) (b) and 941.37 (1) (c); and *to create* 146.50 (8) (b) 1. and 2. and
7 146.50 (8) (g) of the statutes; **relating to:** certification of first responders.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

8 **SECTION 1g.** 48.685 (1) (ag) 2. of the statutes, as created by 1999 Wisconsin Act
9 9, is amended to read:
10 48.685 **(1)** (ag) 2. “Caregiver” does not include a person who is certified as an
11 emergency medical technician under s. 146.50 if the person is employed, or seeking

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1 employment, as an emergency medical technician and does not include a person who
2 is certified as a first responder under s. 146.50 if the person is employed, or seeking
3 employment, as a first responder.

4 **SECTION 1r.** 48.981 (2) of the statutes is amended to read:

5 48.981 (2) PERSONS REQUIRED TO REPORT. A physician, coroner, medical
6 examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or
7 mental health professional, social worker, marriage and family therapist,
8 professional counselor, public assistance worker, including a financial and
9 employment planner, as defined in s. 49.141 (1) (d), school teacher, administrator or
10 counselor, mediator under s. 767.11, child care worker in a day care center or child
11 caring institution, day care provider, alcohol or other drug abuse counselor, member
12 of the treatment staff employed by or working under contract with a county
13 department under s. 46.23, 51.42 or 51.437, physical therapist, occupational
14 therapist, dietitian, speech–language pathologist, audiologist, emergency medical
15 technician, first responder or police or law enforcement officer having reasonable
16 cause to suspect that a child seen in the course of professional duties has been abused
17 or neglected or having reason to believe that a child seen in the course of professional
18 duties has been threatened with abuse or neglect and that abuse or neglect of the
19 child will occur shall, except as provided under sub. (2m), report as provided in sub.
20 (3). Any other person, including an attorney, having reason to suspect that a child
21 has been abused or neglected or reason to believe that a child has been threatened
22 with abuse or neglect and that abuse or neglect of the child will occur may make such
23 a report. Any person, including an attorney having reason to suspect that an unborn
24 child has been abused or reason to believe that an unborn child is at substantial risk

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1 of abuse may report as provided in sub. (3). No person making a report under this
2 subsection may be discharged from employment for so doing.

3 **SECTION 1v.** 50.065 (1) (ag) 2. of the statutes, as created by 1999 Wisconsin Act
4 9, is amended to read:

5 50.065 (1) (ag) 2. “Caregiver” does not include a person who is certified as an
6 emergency medical technician under s. 146.50 if the person is employed, or seeking
7 employment, as an emergency medical technician and does not include a person who
8 is certified as a first responder under s. 146.50 if the person is employed, or seeking
9 employment, as a first responder.

10 **SECTION 2.** 59.34 (2) (a) of the statutes is amended to read:

11 59.34 (2) (a) Notwithstanding s. 979.04 (3) and except as provided in par. (b),
12 any person holding office under sub. (1) may also serve as a volunteer emergency
13 medical technician, first responder or volunteer fire fighter.

14 **SECTION 3.** 59.34 (2) (b) 1. of the statutes is amended to read:

15 59.34 (2) (b) 1. No person serving as a coroner under sub. (1) who also serves
16 as a volunteer emergency medical technician, volunteer first responder or a
17 volunteer fire fighter may participate as a coroner in any case in which he or she may
18 be required to participate as a volunteer emergency medical technician, volunteer
19 first responder or a volunteer fire fighter. If an apparent or actual conflict of interest
20 arises between the person’s duties as coroner and as volunteer emergency medical
21 technician, volunteer first responder or volunteer fire fighter, the deputy coroner
22 shall act as coroner in the case in which the conflict exists. If there is no deputy
23 coroner, the coroner shall request that the coroner, medical examiner, deputy coroner
24 or a medical examiner’s assistant in a nearby county act as coroner in the case in
25 which the conflict exists. Any fees owed to or expenses incurred by the acting coroner

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1 from the nearby county shall be paid by the county that requested the acting
2 coroner's services.

3 **SECTION 4.** 59.35 (5) of the statutes is amended to read:

4 59.35 (5) A person holding office under this section may also serve as a
5 volunteer emergency medical technician, a volunteer first responder, a volunteer fire
6 fighter or a chief, deputy chief or assistant chief of a fire department.

7 **SECTION 5.** 66.11 (4) of the statutes is amended to read:

8 66.11 (4) COMPATIBLE OFFICES AND POSITIONS. A volunteer fire fighter ~~or,~~
9 emergency medical technician or first responder in a city, village or town whose
10 annual compensation, including fringe benefits, does not exceed \$2,500 may also
11 hold an elected office in that city, village or town.

12 **SECTION 6.** 108.05 (3) (a) of the statutes is amended to read:

13 108.05 (3) (a) Except as provided in par. (b), if an eligible employee earns wages
14 in a given week, the first \$30 of the wages shall be disregarded and the employee's
15 applicable weekly benefit payment shall be reduced by 67% of the remaining
16 amount, except that no such employee is eligible for benefits if the employee's benefit
17 payment would be less than \$5 for any week. For purposes of this paragraph, "wages"
18 includes any salary reduction amounts earned that are not wages and that are
19 deducted from the salary of a claimant by an employer pursuant to a salary reduction
20 agreement under a cafeteria plan, within the meaning of 26 USC 125, and any
21 amount that a claimant would have earned in available work which is treated as
22 wages under s. 108.04 (1) (a), but excludes any amount that a claimant earns for
23 services performed as a volunteer fire fighter ~~or,~~ volunteer emergency medical
24 technician or volunteer first responder. In applying this paragraph, the department

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1 shall disregard discrepancies of less than \$2 between wages reported by employees
2 and employers.

3 **SECTION 7.** 118.29 (1) (c) of the statutes is amended to read:

4 118.29 **(1)** (c) “Health care professional” means a person licensed as an
5 emergency medical technician under s. 146.50, a person certified as a first responder
6 under s. 146.50 (8) or any person licensed, certified, permitted or registered under
7 chs. 441 or 446 to 449.

8 **SECTION 8.** 146.37 (1) (a) of the statutes is amended to read:

9 146.37 **(1)** (a) “Health care provider” includes an ambulance service provider,
10 as defined in s. 146.50 (1) (c), and an emergency medical technician, as defined in s.
11 146.50 (1) (e), and a first responder, as defined in s. 146.50 (1) (hm).

12 **SECTION 9.** 146.38 (1) (b) of the statutes is amended to read:

13 146.38 **(1)** (b) “Health care provider” includes an ambulance service provider,
14 as defined in s. 146.50 (1) (c), ~~and~~ an emergency medical technician, as defined in s.
15 146.50 (1) (e), and a first responder, as defined in s. 146.50 (1) (hm).

16 **SECTION 10.** 146.50 (1) (d) of the statutes is amended to read:

17 146.50 **(1)** (d) “Basic life support” means emergency medical care that is
18 rendered to a sick, disabled or injured individual, based on signs, symptoms or
19 complaints, prior to the individual’s hospitalization or while transporting the
20 individual between health care facilities and that is limited to use of the knowledge,
21 skills and techniques received from training required for licensure as an emergency
22 medical technician – basic, or for certification as a first responder.

23 **SECTION 11.** 146.50 (1) (hm) of the statutes is amended to read:

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1 146.50 (1) (hm) “First responder—defibrillation responder” means an
2 individual who is certified by the department as a first responder—defibrillation
3 responder under sub. (8).

4 **SECTION 12.** 146.50 (2) of the statutes is amended to read:

5 146.50 (2) LICENSE OR CERTIFICATE REQUIRED. No person may act as or advertise
6 for the provision of services as an ambulance service provider unless the person holds
7 an ambulance service provider license issued under this section. No individual may
8 act as or advertise for the provision of services as an emergency medical technician
9 unless he or she holds an emergency medical technician license or training permit
10 issued under sub. (5). No individual may act as or advertise for the provision of
11 services as a first responder—defibrillation responder unless he or she holds a first
12 responder—defibrillation responder certificate issued under sub. (8).

13 **SECTION 13.** 146.50 (8) (title) of the statutes is amended to read:

14 146.50 (8) (title) CERTIFICATION OF FIRST RESPONDERS—DEFIBRILLATION
15 RESPONDERS.

16 **SECTION 14.** 146.50 (8) (a) of the statutes is amended to read:

17 146.50 (8) (a) Except as provided in ss. 146.51 and 146.52, the department shall
18 certify qualified applicants as first responders—defibrillation responders.

19 **SECTION 15.** 146.50 (8) (b) of the statutes is renumbered 146.50 (8) (b) (intro.)
20 and amended to read:

21 146.50 (8) (b) (intro.) To be eligible for initial certification as a first responder
22 —defibrillation responder, except as provided in ss. 146.51 and 146.52, an individual
23 shall meet all of the following requirements ~~specified in rules promulgated;~~

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1 3. The individual satisfactorily completes a first responder course that meets
2 or exceeds the guidelines issued by the National Highway Traffic Safety
3 Administration under 23 CFR 1205.3 (a) (5) and that is approved by the department.

4 **SECTION 16.** 146.50 (8) (b) 1. and 2. of the statutes are created to read:

5 146.50 **(8)** (b) 1. The individual is 18 years of age or older and capable of
6 performing the actions authorized under par. (e), or in rules promulgated under par.
7 (e), for a first responder.

8 2. Subject to ss. 111.321, 111.322 and 111.335, the individual does not have an
9 arrest or conviction record.

10 **SECTION 17.** 146.50 (8) (c) of the statutes is amended to read:

11 146.50 **(8)** (c) To be eligible for a renewal of a certificate as a first responder –
12 ~~defibrillation responder~~, except as provided in ss. 146.51 and 146.52, the holder of the
13 certificate shall satisfactorily complete ~~any requirements specified in rules~~
14 ~~promulgated~~ a first responder refresher course that meets or exceeds the guidelines
15 issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3
16 (a) (5) and that is approved by the department.

17 **SECTION 18.** 146.50 (8) (d) of the statutes is amended to read:

18 146.50 **(8)** (d) The department may not charge a reasonable fee for a certificate
19 initially issued or renewed under this subsection.

20 **SECTION 19.** 146.50 (8) (e) of the statutes is amended to read:

21 146.50 **(8)** (e) A certified first responder – ~~defibrillation responder~~ is authorized
22 to use an automatic or semiautomatic defibrillator, as prescribed for first responders
23 – ~~defibrillation responders~~ in rules promulgated by the department. The rules shall
24 set forth authorization for the use of an automatic defibrillator, a semiautomatic
25 defibrillator or, for a defibrillator that may be operated in more than one mode, use

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1 in the automatic or semiautomatic mode only. A certified first responder is also
2 authorized to employ other techniques, including the administration of
3 nonvisualized advanced airways, and the administration of medications that are
4 specified by the department by rule. In promulgating the rules under this
5 paragraph, the department shall consult with the state medical director for
6 emergency medical services and the emergency medical services board. The rule
7 shall include those techniques that are specified in the most current guidelines
8 issued by the National Highway Traffic Safety Administration under 23 CFR 1205.3
9 (a) (5).

10 **SECTION 20.** 146.50 (8) (f) of the statutes is amended to read:

11 146.50 **(8)** (f) Except as provided in ss. 146.51 and 146.52, the department may
12 issue a certificate as a first responder—~~defibrillation responder~~, without requiring
13 satisfactory completion of any instruction or training that may be required under
14 par. (b), to any individual who holds a current license or certificate as a first
15 responder from another jurisdiction if the department finds that the standards for
16 licensing or issuing certificates in the other jurisdiction are at least substantially
17 equivalent to the standards for issuance of certificates for first responder—
18 ~~defibrillation responders~~ in this state, and that the applicant is otherwise qualified.

19 **SECTION 21.** 146.50 (8) (g) of the statutes is created to read:

20 146.50 **(8)** (g) The department may not impose a requirement that an
21 individual be affiliated with an ambulance service provider in order to receive a first
22 responder certificate.

23 **SECTION 22.** 146.50 (11) (f) of the statutes is amended to read:

24 146.50 **(11)** (f) To restrain or prevent action by a first responder—~~defibrillation~~
25 ~~responder~~ in violation of this section or a rule promulgated under this section.

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1 **SECTION 23.** 146.50 (12) (a) of the statutes is amended to read:

2 146.50 **(12)** (a) All records made by an ambulance service provider, an
3 emergency medical technician or a first responder — ~~defibrillation responder~~ in
4 administering emergency care procedures to and handling and transporting sick,
5 disabled or injured individuals shall be maintained as confidential patient health
6 care records subject to ss. 146.81 to 146.84 and, if applicable, s. 252.15 (5) (a) (intro.),
7 (6), (8) and (9). For the purposes of this paragraph, an ambulance service provider,
8 an emergency medical technician or a first responder — ~~defibrillation responder~~ shall
9 be considered to be a health care provider under s. 146.81 (1). Nothing in this
10 paragraph permits disclosure to an ambulance service provider, an emergency
11 medical technician or a first responder — ~~defibrillation responder~~ under s. 252.15 (5)
12 (a), except under s. 252.15 (5) (a) 11.

13 **SECTION 24.** 895.48 (1m) (intro.) of the statutes, as affected by 1997 Wisconsin
14 Acts 67 and 156, is amended to read:

15 895.48 **(1m)** (intro.) Any physician licensed under ch. 448, chiropractor licensed
16 under ch. 446, dentist licensed under ch. 447, emergency medical technician licensed
17 under s. 146.50, first responder certified under s. 146.50 (8), physician assistant
18 licensed under ch. 448, registered nurse licensed under ch. 441 or massage therapist
19 or bodyworker issued a license of registration under subch. X XI of ch. 440 who
20 renders voluntary health care to a participant in an athletic event or contest
21 sponsored by a nonprofit corporation, as defined in s. 46.93 (1m) (c), a private school,
22 as defined in s. 115.001 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school,
23 as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or
24 omissions in rendering that care if all of the following conditions exist:

SECTION 25. 895.48 (1m) (b) of the statutes, as affected by 1997 Wisconsin Act 156, is amended to read:

895.48 **(1m)** (b) The physician, chiropractor, dentist, emergency medical technician, first responder, physician assistant, registered nurse, massage therapist or bodyworker does not receive compensation for the health care, other than reimbursement for expenses.

SECTION 26. 941.37 (1) (c) of the statutes is amended to read:

941.37 (1) (c) “Emergency medical personnel” means an emergency medical technician licensed under s. 146.50, first responder certified under s. 146.50 (8), peace officer or fire fighter, or other person operating or staffing an ambulance or an authorized emergency vehicle.

SECTION 27. Initial applicability.

(1) CERTIFICATION OF FIRST RESPONDERS.

(a) The treatment of section 146.50 (8) (b) of the statutes first applies to an application for initial certification made on the effective date of this paragraph.

(b) The treatment of section 146.50 (8) (c) of the statutes first applies to an application for renewal of certification made on the effective date of this paragraph.

SECTION 28. Effective date.

(1) FIRST RESPONDERS. This act takes effect on the first day of the 7th month beginning after publication.

(END)